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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 200314645-1IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Daryl E. Anderson et al.

Confirmation No.: 2920

Application No.: 10/757,104

Examiner: BODDIE, William

Filing Date: January 13, 2004

Group Art Unit: 2829

Title: A Temperature Compensated MEMS Device

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450TRANSMITTAL OF APPEAL BRIEFTransmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on May 18, 2008.☐ The fee for filing this Appeal Brief is \$510.00 (37 CFR 41.20).☒ No Additional Fee Required.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:☐ 1st Month
\$120☐ 2nd Month
\$460☐ 3rd Month
\$1050☐ 4th Month
\$1640☐ The extension fee has already been filed in this application.☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.Please charge to Deposit Account 08-2025 the sum of \$ 00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.☒ A duplicate copy of this transmittal letter is enclosed.☐ I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents, Alexandria, VA 22313-1450
Date of Deposit:

OR

☒ I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number (571)273-8300.

Date of facsimile: September 19, 2008

Typed Name: Rebecca R. Schow

Signature: 

Respectfully submitted,

Daryl E. Anderson et al.

By 

Steven L. Nichols

Attorney/Agent for Applicant(s)

Reg No.: 40,326

Date: September 19, 2008

Telephone: 801-572-8066

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PATENT APPLICATION

DUPLICATE

HEWLETT-PACKARD COMPANY
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Fort Collins, Colorado 80527-2400ATTORNEY DOCKET NO. 200314645-1IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Daryl E. Anderson et al.

Confirmation No.: 2920

Application No.: 10/757,104

Examiner: BODDIE, William

Filing Date: January 13, 2004

Group Art Unit: 2629

Title: A Temperature Compensated MEMS Device

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on May 16, 2008.☐ The fee for filing this Appeal Brief is \$510.00 (37 CFR 41.20).☒ No Additional Fee Required.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

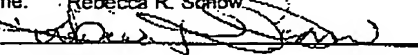
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Rev 10/07 (Ap/Brief)

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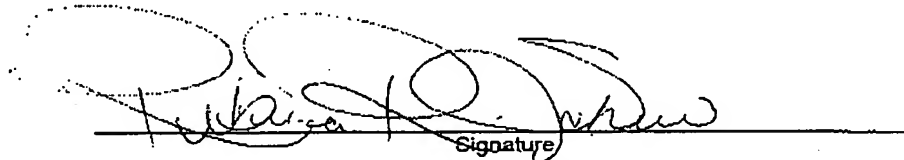
Application No.: 10/757,104

Attorney Docket No.: 200314645-1

Certificate of Transmission

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on September 19, 2008
Date



Signature

Rebecca R. Schow

Typed or printed name of person signing Certificate

Transmitted, herewith, are the following documents:

1. Transmittal of Appeal Brief with Duplicate Copy (2 pages)
2. Certificate of Transmission (1 page)
3. Response to Notice of Non-Compliance (2 pages)

SEP 19 2008

200314645-1

10/757,104

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Patent Application of:

Daryl E. Anderson et al.

Application No.: 10/757,104

Filed: January 13, 2004

For: A Temperature Compensated
MEMS Device

Group Art Unit: 2629

Examiner: BODDIE, William

Confirmation No.: 2920

RESPONSE TO NOTICE OF NON-COMPLIANCE

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to an Appeal Brief filed 5 August 2008 in the above-identified patent application, Appellant receives a Notification of Non-Compliant Appeal Brief dated August 19, 2008. This Notice complains that: "The argument section must match the grounds section inasmuch as each grounds corresponds to a heading within the argument section." (Notification of Non-Compliant Appeal Brief, p. 2).

200314645-1

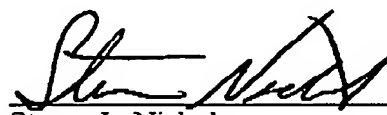
10/757,104

However, the argument section of Appellant's brief does precisely match the section listing the grounds of rejection to be reviewed. Section VI of Appellant's Brief, "Grounds of Rejection to be Reviewed on Appeal," lists eight (8) different grounds of rejection to be reviewed on appeal. Accordingly, Section VII of Appellant's Brief, "Argument" includes eight (8) headings corresponding to the eight grounds of rejection listed in Section VI.

Accordingly, the Notification of Non-Compliant Appeal Brief appears to be entirely in error. Therefore, the Notification of Non-Compliant Appeal Brief should be reconsidered and withdrawn. Appellant's Brief should then be considered without further delay.

Respectfully submitted,

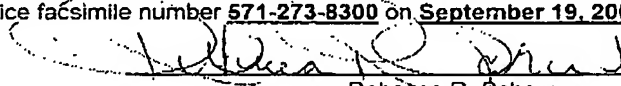
DATE: September 19, 2008


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Registration No. 40,326

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted to the Patent and Trademark Office facsimile number 571-273-8300 on September 19, 2008. Number of Pages: 5


Rebecca R. Schow